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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,885	01/29/2004	Nobukazu Suzuki	03500.017861	2302
5514 7590 01/10/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
			EXAMINER ZHU, RICHARD Z	
			ART UNIT 2625	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/765,885

**Applicant(s)**

SUZUKI, NOBUKAZU

**Examiner**

Richard Z. Zhu

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Acknowledgement*

1. Acknowledgement is made of applicant's amendment made on 12/04/2007. Applicant's submission filed has been entered and made of record.

### *Response to Applicant's Arguments*

2. Rejections made under 35 USC 101 and 112 are withdrawn.
3. With respect to the argument, ***Dow*** discloses a method that reads a plurality of images (**Fig 8B and see Col 9, Row 59- Col 10, Row 14, 25 pages of images**) and displays the plurality of read image signals on one display screen (**Fig 8C and Fig 8F, navigating through all 25 images, see Col 10, Rows 1-5**).
4. With respect to the newly added limitation, new grounds of rejection are enter.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 and 11-13 are under 35 USC 103 (a) over ***Dow et al. (US 2001/0009428 A1)*** in view of ***Yoshida (US 6178005 B1)***.

*Dow et al. (US 6784904 B2)* is the issued patent of *Dow et al. (US 2001/0009428 A1)*; because of the format being employed in the patent version, in columns and rows, it is a matter of convenience to the examiner and the applicant to refer to *Dow et al. (US 6784904 B2)* for the purpose of particularly pointing out the disclosure of *Dow et al. (US 2001/0009428 A1)* in regard to the subject matters being claimed.

**Regarding Claim 1, Dow discloses a method of reading a plurality of originals placed on an original support and displaying it (Fig 1A and see Col 5, Rows 27-34, liquid crystal display and see Fig 8), comprising:**

**an image reading step of reading (Fig 2, Capture Page Module 78 and see Col 7, Rows 6-7) each of the images of the originals placed on the original support to generate image signals (Col 7, Rows 4-7, conversion to a suitable format for storage requires the generation of an image signal of the original that is scanned);**

**a placement orientation detection step (Fig 2, Thumbnail Page View Module 82 and see Col 7, Rows 7-10) of detecting placement orientation of said original based on the image signal generated in said image reading step (Col 7, Rows 7-10 and 53-63, the default display constitute images of the original orientation the scanned original is initially in. The mere act of displaying the image in an original orientation and the fact that the user can rotate the orientation by 90° require a placement orientation detection step in order for the device to properly perform the steps as disclosed in the cited portion of the reference);**

**an image signal rotation step of rotating (Fig 1A, Rotation Button 32 and see Col 7, Rows 5-13 and 53-63), when the placement orientation of said original detected in said**

placement orientation detection step is different from a predetermined orientation (Col 7, Rows 53-58, “default state” is the state in which the display generates and displays an image in an original orientation, or the placement orientation), said image signal to said predetermined orientation (the user change the default state to rotate state which rotates the image by 90° which is a predetermined orientation different from the placement orientation); and

a read image signal display step (Fig 1A, Display 24 and Col 7, Rows 5-10) of displaying the plurality of read image signals on one display screen (Fig 8C and Fig 8F, navigating through all 25 images, see Col 10, Rows 1-5) in an orientation aligned with a predetermined orientation (Col 7, Rows 53-63, the rotated image is display onto the LCD).

*Dow* does not disclose determining as to whether it is landscape or portrait.

*Yoshida* discloses determining as to whether an image is landscape (Col 6, Rows 64-67) or portrait (Col 7, Rows 24-29) based on the image signal generated in an image reading step.

It would’ve been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of *Dow* with the ability to determine placement orientation of image to check if it is landscape or portrait, as suggested by *Yoshida* in order to provide an image processing apparatus having improved ease of operation (*Yoshida*, Col 2, Rows 11-13).

Regarding Claim 2, *Dow* discloses a method of displaying a read image signal further comprising a display orientation setting step (Fig 1A, Rotation Button 32) of setting said predetermined orientation (Col 7, Rows 60-63).

**Regarding Claim 3, Dow** discloses a method of displaying a plurality of read image signals further comprising

a second image signal rotation step of rotating said plurality of image signals by a predetermined angle (**Col 7, Rows 53-63, activation of rotation button will rotate said image signal by a predetermined angle**) irrespective of the placement orientation detected in said placement orientation detection step (**Col 7, Rows 53-57, the orientation detected in the default state is the placement orientation**), and

a second display orientation setting step of setting whether the images are to be displayed in the orientation aligned with said predetermined orientation or the images rotated by said second image signal rotation step is to be displayed (**If the user chooses to activate rotation button 32, the image that is rotated by 90° relative to the placement orientation will be displayed by display 24**).

**Regarding Claim 4, Dow** discloses a method of displaying a read image signal wherein said second display orientation setting step can optionally set to display the image in the orientation detected in the placement orientation detection step (**Col 7, Rows 53-63, the user chooses not to activate the rotate button 32, the image will be displayed in an orientation that is originally detected when the image is initially captured**).

**Regarding Claim 5, Dow** discloses a method of displaying a read image signal wherein said second image signal rotation step further includes upon rotating the image signal by the predetermined angle, correcting its little inclination with respect to a vertical or horizontal direction (**Col 7, Rows 53-63, if the user chooses to activate the rotate button 32, the image will be displayed in an orientation that is rotated by a predetermined**

**angle relative to the orientation originally detected when the image is initially captured. This is accomplished by correcting the inclination of the image signal with respect to a vertical or horizontal direction).**

**Regarding Claim 6, Dow** discloses a method of displaying a read image signal wherein in said image reading step, a plurality of originals placed on the original support are read (scanning a plurality of original is determine by the user in accordance to user defined necessity) and the other steps are performed on an image signal obtained from each of the originals individually (Col 7, Row 63 – Col 8, Row 6, other steps includes magnifying, capture, send, delete, attach, detach and etc).

**Regarding the Method of Claim 11 and the System of Claim 12, Dow** discloses a system (Fig 1 A-D) for displaying image information, wherein when image information of a plurality of originals that is different in its horizontal and vertical lengths placed on an original support is read by an image reading apparatus (Fig 8C and 8F, the image captured is different in its horizontal length and vertical length) and said read image is displayed on a display apparatus in a thumbnail display form (Fig 2, Thumbnail View Module 82 and see Col 7, Rows 7-8), placement orientations of said plurality of originals placed on said original support are detected (Col 7, Rows 7-10 and 53-63, the default display constitute images of the original orientation the scanned original is initially in. The mere act of displaying the image in an original orientation and the fact that the user can rotate the orientation by 90° require a placement orientation detection step in order for the device to properly perform the steps as disclosed in the cited portion of the reference) and said image information are displayed in a state in which a horizontal or vertical direction of the

image information of said plurality of original are aligned in a predetermined orientation irrespective of the detected placement orientations of said plurality of originals (**Col 7, Rows 53-63, the user chooses to rotate the image by a predetermined angle to change its orientation, the image information is displayed in a state in which a horizontal or vertical direction of the image information of said original is aligned in a predetermined orientation irrespective of the detected placement orientation of said original**).

**Regarding the computer program implemented on a computer readable medium of Claims 13, *Dow* discloses a computer program stored in memory to execute the process of the scanner (Fig 2 and see Col 6, Rows 5-19).**

7. Claim 8 is rejected under 35 USC 103 (a) over the combined teachings of *Dow et al. (US 2001/0009428 A1)* and *Yoshida (US 6178005 B1)* in view of *Ichihara et al. (US 5198853 B1)*.

**Regarding Claim 8, *Dow* discloses the subject matter set forth in Claim 1.**

*Dow* does not explicitly disclose a method of displaying a read image signal wherein in said placement orientation detection step, the placement orientation is detected based on comparison of a vertical size and a horizontal size of the image signal.

*Ichihara* discloses a method detecting placement orientation based on comparison of a vertical size and a horizontal size of the image signal (**Fig 6 and see Col 3, Rows 21-38.**

**Judgment means for judging document size, and/or placement orientation, base on length and width).**

*Dow* and *Ichihara* are in the field of scanners.



It would've been obvious to one of ordinary skill in the art at the time of the invention to explicitly adapt the program of *Dow* to detect placement orientation base on vertical size and horizontal size of the scanned image as suggested by *Ichihara*. The motivation would've been to provide a constitution that "wherein image signals are integrated both in the main scanning direction and in the auxiliary scanning direction, noise components caused by copy soil existing on the peripheral area of a document are eliminated and thereby it is possible to detect the document size based on the image data free from noise components" (*Ichihara*, Col 4, Rows 36-42).

Therefore, it would've been obvious to combine *Dow* and *Ichihara* to obtain the invention set forth in Claim 8.

8. Claims 9-10 are rejected under 35 USC 103 (a) over the combined teachings of *Dow et al.* (US 2001/0009428 A1) and *Yoshida* (US 6178005 B1) in view of *Miyata et al.* (US 4825250 A).

**Regarding Claim 9,** *Dow* discloses the subject matter set forth in Claim 1.

*Dow* does not explicitly disclose an image area of the original placed on the original support is cut out to generate the image signal.

*Miyata* discloses an image area of the original placed on the original support is cut out to generate the image signal (Fig 12 and 14 and see Abstract).

*Dow* and *Miyata* are in the field of scanners.

It would've been obvious to one of ordinary skill in the art at the time of the invention to reprogram the scanner of *Dow* with parameter to automatically generate a masking function and cut out an image area of the original. The motivation would've been to "to

provide an image forming apparatus which can automatically erase the unnecessary portions of a plurality of images set on the original plate and then automatically perform overlay of those image” (*Miyata*, Col 2, Rows 32-37)

Therefore, it would’ve been obvious to combine *Dow* and *Miyata* to obtain the invention set forth in Claim 9.

Regarding Claim 10, *Miyata* discloses an effective image area of the original in the form of a film placed on the original support is cut out to generate the image signal.

### ***Conclusion***

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner's supervisor King Y. Poon whose telephone number is 571-272-7440 or examiner Richard Z. Zhu whose telephone number is 571-270-1587. Examiner Richard Zhu can normally be reached on Monday and Wednesday, 6:00 - 3:30, Tuesday and Thursday, 7:30-5:00, and alternate Friday, 7:30-4:00.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RZ<sup>2</sup>  
01/07/2008



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